JUDICIAL APPOINTMENTS ADVISORY COMMITTEE

ANNUAL REPORT

for the Period from

1 January 2003 to 31 December 2003

Toronto, Ontario
February, 2004

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Persons wishing to comment on the procedures or selection criteria of the Judicial Appointments Advisory Committee are invited to write to:

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Previous publications of the Judicial Appointments Advisory Committee:

< *Interim Report* (September, 1990);

< *Final Report and Recommendations* (June, 1992);

< *Annual Report* for the Period from 1 July 1992 to 31 December 1993 (January, 1994);

< *Annual Report* for the Period from 1 January 1994 to 28 February 1995 and for the Period from 1 March 1995 to 31 December 1995 (January, 1996);

< *Annual Report* for the Period from 1 January 1996 to 31 December 1996 (January, 1997);

< *Annual Report* for the Period from 1 January 1997 to 31 December 1997 (January, 1998);

< *Annual Report* for the Period from 1 January 1998 to 31 December 1998 (January, 1999);

< *Annual Report* for the Per.. d from 1 January 1999 to 31 December 1999 (January, 2000);

< *Annual Report* for the Period from 1 January 2000 to 31 December 2000 (February, 2001);

< *Annual Report* for the Period from 1 January 2001 to 31 December 2001 (January, 2002);

< *Annual Report* for the Period from 1 January 2002 to 31 December 2002 (February 2003).

TABLE OF CONTENTS

LETTER OF TRANSMITTAL v
EXECUTIVE SUMMARY vii
INTRODUCTION ix

PART I 1
ANALYSIS OF JUDICIAL APPOINTMENTS MADE 1
1.0 Judges Appointed: 1 January 2003 - 31 December 2003 1
2.0 Overview of Appointments: 1 January 1989 - 31 December 2003 1

PART II 5
LEGISLATION 5
1.0 The Courts of Justice Statute Law Amendment Act 5

PART III 7
CONFIDENTIALITY 7
1.0 Introduction 7
2.0 Information on Process and Procedures 7
3.0 Information on Persons who are applying for Appointment 7
4.0 Seeking Information 8
5.0 What is to be done 8

PART IV 9
CRITERIA FOR APPOINTMENT 9
1.0 Criteria for Evaluating Candidates 9

PART V 11
JUDICIAL APPOINTMENT PROCESS AND POLICIES 11
1.0 The Judicial Candidate Information Form 11
2.0 Law Society and Other Outstanding Complaints and Claims 12
3.0 Criminal Record 13
4.0 Conflict of Interest Guidelines 13
5.0 General 14
6.0 Changes in Committee Membership 17

Table of Contents (continued)

7.0 Support Staff 17
8.0 Communications, Education and Marketing 18

PART VI 19
LOOKING TO THE FUTURE 19
1.0 Recommendations of Candidates 19
2.0 Outreach 19
3.0 A Representative Committee 21

CONCLUSION 23

Judicial Appointments Advisory Committee Biographies 27

APPENDICES

Pamphlet - "Where Do Judges Come From?" 35
Judicial Appointments made - January 2003 to December 2003 37
Judicial Appointments made - January 1989 to December 2003 39

LETTER OF TRANSMITTAL

February 27, 2004

The Honourable Michael Bryant
Attorney General for Ontario
720 Bay Street, 11th Floor
Toronto, Ontario
M5G 2K1

Dear Mr. Attorney:

The Judicial Appointments Advisory Committee has the honour of presenting to you this report on its activity for the period from 1 January 2003 to 31 December 2003, pursuant to section 43 of the *Courts of Justice Act*. It covers all significant matters related to the recommendation to the Attorney General of suitable candidates for judicial appointment to the Ontario Court of Justice.

Respectfully yours,

F. Clifford Fraser
Chair

EXECUTIVE SUMMARY

1 January 2003 to 31 December 2003

The Judicial Appointments Advisory Committee was set up as a pilot project by the then Attorney General, the Honourable Ian Scott, in January 1989. Since then, the Attorney General, the Honourable Michael Bryant, and his predecessors, have appointed 209 judges based on Committee recommendations. Of these, 14 appointments were made between 1 January 2003 and 31 December 2003.

The highlights of Committee activity are as follows:

- **Appointments:** Each of the 14 appointments has been made from among candidates recommended by the Committee in accordance with the first criterion, being that of professional excellence, and then on the other criteria set out in this Report.

- **Legislation:** Amendments to the *Courts of Justice Act* that came into force on 28 February 1995 established the Judicial Appointments Advisory Committee and clothed it with legislative authority. These amendments set out in detail the composition, procedures, criteria for selection, and independent function of the Committee.

- **Confidentiality:** The Committee continues to request the Government to pass legislation exempting its confidential information so that it shall be protected by the exemption of the *Freedom of Information and Protection of Privacy Act*.

- **Procedure:** The Committee continually reviews its procedures and policies which are set forth in detail in this Report.

  Candidates will generally not be considered for an interview if they have any complaints registered with the Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered and interviewed, but the candidate will not be recommended until it has been removed.

  Candidates will generally not be considered for an interview if they have any outstanding Errors and Omissions claims registered with the Lawyers' Professional Indemnity Company. The candidate is responsible for ensuring the removal of such claims; however, if the Committee receives sufficient information that the claim is not

substantiated, then such a claim will not be a bar to the candidate being considered and interviewed, but the candidate will not be recommended until it has been removed.

The Committee would be prepared to consider the application of a candidate who is involved in any other civil claim or proceeding if, after receiving details of the proceeding, the members are of the opinion that the nature of the claim is such that it should not prevent the candidate from being considered for a judicial appointment.

The Committee must be informed of any outstanding civil judgments, arrears in family support payments, any past or present proposals to creditors or assignments in bankruptcy, and any sanctioning by The Law Society of Upper Canada or any other Law Society.

The Committee will not consider a candidate who has a criminal record.

INTRODUCTION

On 15 December 1988, the then Attorney General, the Honourable Ian Scott, announced in the Ontario Legislature the establishment of the Judicial Appointments Advisory Committee as a pilot project, and set out its mandate:

> First, to develop and recommend comprehensive, sound and useful criteria for selection of appointments to the judiciary, ensuring that the best candidates are considered; and second, to interview applicants selected by it or referred to it by the Attorney General and make recommendations.

On February 28, 1995, the *Courts of Justice Act* established the Committee by legislation. All appointments to the Ontario Court of Justice must be made by the Attorney General from amongst a list of applicants recommended to him by the Committee, and chosen in accordance with its own process of criteria, policies and procedures.

In 2003, the Committee met 27 times to select candidates and conduct interviews. Over 143 applicants have been interviewed and 98 have been recommended, from which the Attorney General has selected and appointed 14 judges. The total number of applicants from the inception of the Committee to December 31, 2003 is 2,356, of whom 701 (30%) are women.

PART I
ANALYSIS OF JUDICIAL APPOINTMENTS MADE

1.0 Judges Appointed: 1 January 2003 - 31 December 2003

During this period, there have been 14 judges appointed as a result of recommendations made by the Committee. Added to the 195 appointments previously made, this number makes a total of 209 judges appointed since the Committee began its work in 1989. However, with various transfers, etc., the current number of judges presiding in the Ontario Court of Justice as a result of the Committee's recommendations is 195. The complement of the Ontario Court of Justice is 267 judges. Thus, 78% of all the present judges have been selected through the Committee process.

Of the 14 new appointments this calendar year, two were francophone, one was bilingual; six were female; eight came from private practice, two were federal prosecutors, one from government and three were formerly Crown counsel. A list of these judges will be found in Appendix II.

The ages of appointees range from 39 to 54 years, and the average age is 49 years.

2.0 Overview of Appointments: 1 January 1989 - 31 December 2003

The reader will find a list of all judges appointed under the Committee process in Appendix III; the Appendix lists the names in alphabetical order together with location and date of appointment.

The demographics of these appointments are set out in the following tables which show the timing of the various appointments, the legal background of the appointees, and the numbers selected for appointment from under-represented groups.

TIMING OF THE APPOINTMENTS								
Reporting Period	1 Jan 89 – 31 Oct 90	1 Nov 90 – 30 June 92	1 July 92 – 31 Dec 93	1 Jan 94 – 28 Feb 95	1 Mar 95 – 31 Dec 95	1 Jan 96 – 31 Dec 96	1 Jan 97 – 31 Dec 97	1 Jan 98 – 31 Dec 98
Total Appointments	28	39	23	15	5	7	16	14
LEGAL BACKGROUND								
	1 Jan 89 – 31 Oct 90	1 Nov 90 – 30 June 92	1 July 92 – 31 Dec 93	1 Jan 94 – 28 Feb 95	1 Mar 95 – 31 Dec 95	1 Jan 96 – 31 Dec 96	1 Jan 97 – 31 Dec 97	1 Jan 98 – 31 Dec 98
Private Practice	16	32	14	9	4	3	13	10
Provincial Crown	5	3	5	6	0	4	3	3
Federal Prosecutor	3	1	2	0	0	0	0	0
Government	4	3	2	0	1	0	0	1
APPOINTMENTS FROM REPRESENTATIVE GROUPS								
	1 Jan 89 – 31 Oct 90	1 Nov 90 – 30 June 92	1 July 92 – 31 Dec 93	1 Jan 94 – 28 Feb 95	1 Mar 95 – 31 Dec 95	1 Jan 96 – 31 Dec 96	1 Jan 97 – 31 Dec 97	1 Jan 98 – 31 Dec 98
Women	9	18	12	3	1	1	5	4
Francophone	2	2	1	2	1	0	0	0
First Nations	0	2	0	1	0	1	0	0
Visible Minority	2	4	4	0	0	0	0	1
Persons with Disabilities	0	0	0	0	0	0	0	0

TIMING OF THE APPOINTMENTS						
Reporting Period	1 Jan 99 – 31 Dec 99	1 Jan 00 – 31 Dec 00	1 Jan 01 – 31 Dec 01	1 Jan 02 – 31 Dec 02	1 Jan 03 – 31 Dec 03	Overall Total of Appointments
Total Appointments	18	13	4	13	14	209

LEGAL BACKGROUND							
	1 Jan 99 – 31 Dec 99	1 Jan 00 – 31 Dec 00	1 Jan 01 – 31 Dec 01	1 Jan 02 – 31 Dec 02	1 Jan 03 – 31 Dec 03	Total No.	Percent (N=209)
Private Practice	11	11	3	12	8	146	69.9%
Provincial Crown	5	2	1	1	3	41	19.6%
Federal Prosecutor	0	0	0	0	2	8	3.8%
Government	2	0	0	0	1	14	6.7%

APPOINTMENTS FROM REPRESENTATIVE GROUPS							
	1 Jan 99 – 31 Dec 99	1 Jan 00 – 31 Dec 00	1 Jan 01 – 31 Dec 01	1 Jan 02 – 31 Dec 02	1 Jan 03 – 31 Dec 03	Total No.	Percent (N=209)
Women	5	2	1	4	6	71	34.0%
Francophone	3	2	0	0	2	15	7.2%
First Nations	0	0	0	0	0	4	1.9%
Visible Minority	0	2	0	1	0	14	6.7%
Persons with Disabilities	0	0	0	0	0	0	0%

The Committee continues to encourage applications from members of under-represented groups. Each advertisement for a judicial vacancy states that:

> The Judiciary of the Ontario Court of Justice should reasonably reflect the diversity of the population it serves. Applications from members of minority groups are encouraged.

The advertisement appears in the *Ontario Reports*, which has a wide circulation amongst lawyers in the province. It is also posted on the Ontario Courts website at *www.ontariocourts.on.ca* and on the Bar-eX Communications Inc. website at *www.bar-ex.com*.

In addition, advance notice of a judicial vacancy is provided to approximately 170 legal and non-legal associations, such as: the Ontario Bar Association, the Advocacy Research Centre for Persons with Disabilities (formerly ARCH), the Aboriginal Legal Services of Toronto, the Canadian Association of Black Lawyers and the Metro Toronto Chinese & Southeast Asian Legal Clinic, with a request that the material be brought to the attention of their members. This notice of judicial vacancy is also emailed to The Advocates' Society, the National Association of Women and the Law, the Ontario Bar Association, the Ontario Crown Attorneys Association, the Ontario Trial Lawyers Association, the Women's Law Association of Ontario, as well as the legal clinics and law associations throughout Ontario. Committee members are prepared to and do attend association meetings of groups, legal or non-legal, to discuss the appointment process and answer questions concerning Committee procedures and criteria. Our desire is to make sure that the profession and public are fully informed about the process of judicial appointment.

PART II
LEGISLATION

1.0 The Courts of Justice Statute Law Amendment Act

The amendments to the *Courts of Justice Act* were given Royal Assent in June 1994 and proclaimed on 28 February 1995. Section 43 deals with the Judicial Appointments Advisory Committee and it is included here in full, for ease of reference:

"Judicial Appointments Advisory Committee

43. (1) A committee known as the Judicial Appointments Advisory Committee in English and as Comité consultatif sur les nominations à la magistrature in French is established.

Composition

(2) The Committee is composed of,

(a) two provincial judges, appointed by the Chief Judge of the Provincial Division;

(b) three lawyers, one appointed by The Law Society of Upper Canada, one by the Canadian Bar Association-Ontario and one by the County and District Law Presidents' Association;

(c) seven persons who are neither judges nor lawyers, appointed by the Attorney General;

(d) a member of the Judicial Council, appointed by it.

Criteria

(3) In the appointment of members under clauses (2) (b) and (c), the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

Terms of Office

(4) The members hold office for three-year terms and may be reappointed.

Staggered terms

(5) Despite subsection (4), the following applies to the first appointments made under subsection (2):

1. One of the provincial judges holds office for a two-year term.

2. The lawyer appointed by the Canadian Bar Association-Ontario holds office for a two-year term and the lawyer appointed by the County and District Law Presidents' Association holds office for a one-year term.

3. Two of the persons who are neither judges nor lawyers hold office for two-year terms and two hold office for one-year terms.

Chair

(6) The Attorney General shall designate one of the members to chair the Committee for a three-year term.

Term of Office

(7) The same person may serve as chair for two or more terms.

Function

(8) The function of the Committee is to make recommendations to the Attorney General for the appointment of provincial judges.

Manner of Operating

(9) The Committee shall perform its function in the following manner:

1. When a judicial vacancy occurs and the Attorney General asks the Committee to make a recommendation, it shall advertise the vacancy and review all applications.

2. For every judicial vacancy with respect to which a recommendation is requested, the Committee shall give the Attorney General a ranked list of at least two candidates whom it recommends, with brief supporting reasons.

3. The Committee shall conduct the advertising and review process in accordance with criteria established by the Committee, including assessment of the professional excellence, community awareness and personal characteristics of candidates and recognition of the desirability of reflecting the diversity of Ontario society in judicial appointments.

4. The Committee may make recommendations from among candidates interviewed within the preceding year, if there is not enough time for a fresh advertising and review process.

Qualification

(10) A candidate shall not be considered by the Committee unless he or she has been a member of the bar of one of the provinces or territories of Canada for at least ten years or, for an aggregate of at least ten years, has been a member of such a bar or served as a judge anywhere in Canada after being a member of such a bar.

Recommendation by Attorney General

(11) The Attorney General shall recommend to the Lieutenant Governor in Council for appointment to fill a judicial vacancy only a candidate who has been recommended for that vacancy by the Committee under this section.

Rejection of List

(12) The Attorney General may reject the Committee's recommendations and require it to provide a fresh list.

Annual Report

(13) The Committee shall submit to the Attorney General an annual report of its activities.

Tabling

(14) The Attorney General shall submit the annual report to the Lieutenant Governor in Council and shall then table the report in the Assembly."

PART III
CONFIDENTIALITY

1.0 Introduction

The Judicial Appointments Advisory Committee has developed two fundamental principles on the issue of confidentiality of committee information. These are:

(a) information about committee process is completely open to any person whomsoever,

(b) information about particular candidates is completely confidential unless released by candidates themselves.

2.0 Information on Process and Procedures

The *Courts of Justice Act*, by virtue of the amendments made in 1995, sets out very clearly that the Committee is to have 13 members of which the majority shall be lay persons, i.e., neither judges nor lawyers. The appointing bodies are required to recognize that the Committee should reflect the diversity of Ontario's population and maintain linguistic duality, minority and gender balances.

The criteria for, and the manner of, selection of candidates are outlined in this Report.

Committee members individually speak to organizations and at legal conferences to publicize the process of appointments and believe that the process should be completely open and transparent.

3.0 Information on Persons who are applying for Appointment

By contrast to the preceding section, the Committee goes to great lengths to protect the privacy of the applicant. These measures include:

(1) keeping most sensitive information securely stored in the private homes of members, or with the Secretary;

(2) keeping applicants apart on interview days;

(3) destroying or shredding notes as soon as possible after use;

(4) advising references that their names will not be associated with their confidential comments;

(5) advising lawyers, judges, court officials and community contacts approached for discreet inquiries that their names will not be associated with their confidential comments;

(6) maintaining strict non-access to our files, including government personnel not associated with the Committee;

(7) holding all meetings and interviews in non-government locations.

4.0 Seeking Information

The Committee has had one major application from a citizen seeking information about a successful candidate. This application commenced in 1993 and formally concluded in 1997 at which time the Ontario Court of Appeal, overruling the Divisional Court, held that private notes of the Committee members were **not** available to the public under the *Freedom of Information and Protection of Privacy Act* (FIPPA). Details of this litigation are to be found in our Annual Reports of 1996 and 1997.

5.0 What is to be done

The Committee has requested and continues to request the Government to amend the *Freedom of Information and Protection of Privacy Act*. The Committee wants to exempt the confidential candidate information from the operation of that Act. There is a precedent for this to be found in S.O. 1994 c.12 under which all records of the Ontario Judicial Council are only to be disclosed if that Council approves such disclosure.

PART IV
CRITERIA FOR APPOINTMENT

It is important that eligible members of the Bar and the public be aware of the criteria used by the Committee in the selection of candidates for recommendation, and for convenience, those criteria are reiterated again in this Annual Report.

The current Summary Statement of the criteria is as follows:

1.0 Criteria for Evaluating Candidates

Professional Excellence

- ☐ A high level of professional achievement in the area(s) of legal work in which the candidate has been engaged. Experience in the field of law relevant to the jurisdiction of the Ontario Court of Justice on which the applicant wishes to serve is highly desirable but not essential.
- ☐ Involvement in professional activities that keeps one up to date with changes in the law and in the administration of justice.
- ☐ An interest in or some aptitude for the administrative aspects of a judge's role.
- ☐ Good writing and communications skills.

Community Awareness

- ☐ A commitment to public service.
- ☐ Awareness of and an interest in knowing more about the social problems that give rise to cases coming before the courts.
- ☐ Sensitivity to changes in social values relating to criminal and family matters.
- ☐ Interest in methods of dispute resolution alternatives to formal adjudication and interest in community resources available for participating in the disposition of cases.

Personal Characteristics

- ☐ An ability to listen.
- ☐ Respect for the essential dignity of all persons regardless of their circumstances.
- ☐ Politeness and consideration for others.
- ☐ Moral courage and high ethics.
- ☐ An ability to make decisions on a timely basis.
- ☐ Patience.
- ☐ Punctuality and good regular work habits.
- ☐ A reputation for integrity and fairness.
- ☐ Compassion and empathy.
- ☐ An absence of pomposity and authoritarian tendencies.

Demographics

- ☐ The Judiciary of the Ontario Court of Justice should be reasonably representative of the population it serves. This requires overcoming the under-representation in the judicial complement of women, visible, cultural, and racial minorities and persons with a disability.

PART V
JUDICIAL APPOINTMENT PROCESS AND POLICIES

1.0 The Judicial Candidate Information Form

1. All candidates must complete a typed Judicial Candidate Information Form (revised) which has been designed to elicit information that is not usually included in a standard *curriculum vitae,* such as the nature of the legal work and experience gained in various positions the candidates have held, including pre-law experience. Also, applicants are required to express their reasons for wanting to become a judge and provide an appraisal of their own qualifications for being a judge.

   Candidates who send in their standard *curriculum vitae* and do not complete the Committee's form are not considered.

2. Candidates are required to provide 14 copies of the Judicial Candidate Information Form together with a copy each of the signed Security Release Form, Release of Information Form and Authorization and Release Form in the first instance, and for subsequent applications, 14 copies of a letter requesting consideration.

3. A candidate must apply by application or letter for each and every advertised vacancy that is of interest. The Committee does not automatically consider applications on file. It is preferred that a candidate submit a new application after one year to reflect any changes in the application.

4. A Judicial Candidate Information Form is kept on file for one year. At the end of one year, a candidate is advised that his or her form is out of date and in order to maintain a current application, 14 copies of a new revised form should be submitted.

5. All responses to an advertisement to be considered for a judicial vacancy are acknowledged. However, the Committee does not advise candidates that they have **not** been selected for an interview. Instead, the acknowledgement letter states: "*If you are selected for an interview, you will be contacted by telephone during the week of.....*" .

6. Candidates who have been interviewed within the previous twelve-month period may not necessarily be re-interviewed but will still be equally considered by the

Committee in determining its list of recommendations, provided that he or she has applied to be considered for the vacancy advertised.

7. Candidates who are interviewed and/or candidates who have been interviewed on a previous occasion and who have requested to be considered for a particular advertised vacancy **are not** advised as to whether they have been included in the list submitted to the Attorney General. Also, the Committee does not advise applicants when its work has been completed and a list of recommended candidates has been submitted to the Attorney General.

References

1. The Committee requests that a candidate does not send or have submitted letters of support.

2. The Committee requires a candidate to provide the names, **complete addresses including Postal Codes, home telephone** and business telephone numbers of his or her named references. Care should be taken to provide the correct information before submitting the form. Since the members who check the references do so during evenings and weekends, it is essential that **home telephone** numbers be provided.

3. All named references receive a letter from the Committee advising them that a candidate has provided their names for reference purposes and that they may be contacted by a member of the Committee. They are advised that they do not have to write to the Committee. Attached to the letter is a list of current Committee members.

4. The Committee maintains strict confidentiality with respect to the information provided by named references and obtained by confidential inquiries.

2.0 Law Society and Other Outstanding Complaints and Claims

1. Complaints as to Practice: Candidates will generally not be considered for an interview if they have any complaints registered with the Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered and interviewed, but the candidate will not be recommended until it has been removed.

2. Errors and Omissions Claims: Candidates will generally not be considered for an interview if they have any outstanding Errors and Omissions claims registered with the Lawyers' Professional Indemnity Company. The candidate is responsible for ensuring the removal or resolution of such claims; however, if the Committee receives sufficient information that the claim is not substantiated, then such a claim will not be a bar to the candidate being considered and interviewed, but the candidate will not be recommended until it has been removed.

3. If the candidate has been sanctioned by The Law Society of Upper Canada or any other Law Society, the Committee wants to know the circumstances. The Committee will then decide whether the candidate should still be considered for a judicial appointment.

4. Civil Claims or Judgments: Members of the Committee would be prepared to consider the application of a candidate who is involved in a civil claim or proceeding if, after receiving details of the proceeding, the members are of the opinion that the nature of the claim is such that it should not prevent the candidate from being considered for a judicial appointment.

5. Other Financial Matters: The Committee must be informed of any outstanding civil judgments, arrears in family support payments, any past or present proposals to creditors or assignments in bankruptcy, or serious financial difficulties of each candidate.

6. The Committee must also be informed by the candidate if he or she is the subject of any current court order.

3.0 Criminal Record

The Committee will not consider a candidate who has a criminal record. It is the responsibility of the candidate to obtain a pardon.

4.0 Conflict of Interest Guidelines

1. Members of the Committee cannot apply to be considered for a judicial appointment for a period of two years from the date they cease to serve as a member of the Committee.

2. No current member of the Committee can act as a reference for a candidate seeking a provincial judicial appointment.

3. Members of the Committee who have a conflict or a perceived conflict in the nature of a potential bias or prejudice in regard to a candidate must declare such conflict and refrain from taking part in the entire process for the vacancy for which the candidate has applied.

5.0 General

Re-Interviewing Candidates

The Committee does not maintain a pool of candidates who have previously been recommended but not appointed, or interviewed but not recommended.

It is not essential to re-interview a candidate who has been interviewed in the previous twelve months. That candidate will be compared objectively and ranked along with all other persons interviewed for that vacancy so long as the candidate has requested in writing to be considered for that advertised vacancy. Nevertheless, the Committee may, in its discretion, re-interview a previously interviewed candidate, and, in fact, does so on a fairly frequent basis.

Notice of Vacancies and Transfer after Appointment

When a vacancy in the complement of the Ontario Court of Justice occurs, the Chief Justice of the Ontario Court of Justice, after considering the judicial resources required throughout Ontario, determines the location of the vacancy to be filled and advises the Attorney General accordingly. The Attorney General then requests the Committee to commence its process to identify candidates suitable for judicial appointment in order to make recommendations to him.

Because of the many requests for transfer, the Chief Justice has advised the Committee that while he retains the discretion to assign judges according to the needs of the Court at any time, it is the general policy of the Ontario Court of Justice that no personal request for permanent re-assignment will be considered for a period of at least five years following a judge's appointment. The determination of a judicial vacancy involves a review and assessment of the needs of the Court and a long-term commitment to the community in which the vacancy is declared. It is a commitment that is made both by the Court and by the judge who is appointed to that position. Generally speaking, where a judge is appointed to sit at a base court location and the judge does not live within that community or near to it, the Court will expect the judge to move either to the community or to within a reasonable distance of it shortly after the judge's appointment. The Court will, as set out in the *Judge's Manual* in those circumstances,

pay for the cost of transportation for the judge and the judge's family, and for moving expenses. Once a judge has been on the bench for a period of five years, the judge may request a re-assignment to another base court location. If a vacancy subsequently arises, that request will be considered along with requests received from other judges who wish to move to the same location. Other factors will also be taken into account, including the needs of the locations involved, the views of the regional senior judges and of the judges at the affected locations.

Set out below is a step-by-step account of how the Committee arrives at its recommendations:

Advertising the Vacancy

All vacancies are advertised in the *Ontario Reports*. Three weeks are allowed for applications to be received. In addition to advertising, the Committee contacts approximately 170 legal and non-legal associations with advance notice of the vacancy with a request that they bring the copy of the advertisement to the attention of their members. The advertisements are also posted on the Ontario Courts website at *www.ontariocourts.on.ca* as well as on the Bar-eX Communications Inc. website at *www.bar-ex.com*.

Review of Applications by Members

Each member is provided with a list of all candidates who respond to an advertisement plus copies of all new and updated Judicial Candidate Information Forms. Members carefully review and assess the application forms and list candidates whom they feel should proceed to the second stage of reference checks and confidential inquiries. This list is submitted to the committee secretary who compiles a master list of candidates who have been selected by three or more members for the purpose of making reference checks and confidential inquiries. If any member of the Committee ascertains that a possible suitable applicant for a judicial appointment has not been selected for reference checks and confidential inquiries, the member may request that the applicant's name be added to the list.

References and Confidential Inquiries

Each member is provided with a list of candidates who have been selected by three or more Committee members for the purposes of reference checks and confidential inquiries. These inquiries are made of the judiciary, court officials, lawyers, law associations, community and social service organizations, plus the named references

provided by the candidate. Once the reference checks and confidential inquiries are completed, the Committee meets to discuss the information obtained and to select candidates to be interviewed.

This selection meeting takes place three to four weeks after the members have received the list of candidates to be considered. Interviews take place approximately two weeks after the selection meeting.

Interviews and Recommendations to the Attorney General

The number of candidates to be interviewed for a judicial vacancy will normally be a maximum of 16 over a two-day period. Each interview will last approximately 30 minutes. The entire Committee sits for each interview but for questioning purposes, the Committee members take alternate interview turns. Following each interview, the Committee discusses the merits of the candidate interviewed. After the last interview for that particular vacancy, the Committee discusses the merits of the candidates interviewed, plus the merits of the candidates interviewed on a prior occasion within the year and who have applied to be considered for the current vacancy. A short ranked list, together with only the application form submitted by each ranked candidate, is then delivered to the Attorney General.

The letter containing the ranked list of candidates for the Attorney General is delivered to him when the requested Law Society, LawPRO and CPIC checks have been received and clearances obtained. These clearances are usually received approximately three weeks after the interviews have taken place.

It is at this point that the Committee's work is complete. A candidate is not notified whether or not his or her name has been put forward in the short ranked list to the Attorney General as this recommendation is personal and confidential for the Attorney General.

It should also be noted that the Committee has established a procedure to avoid delays in filling vacancies that occur unexpectedly, such as from sudden resignation, illness or death. In such cases, when so requested by the Attorney General, it may recommend candidates who have previously applied for the area of the judicial vacancy and who have been interviewed, without advertising the vacancy. This procedure will only apply to areas where there has been an advertised competition within a twelve-month period. However, the policy of advertising is the procedure of preference and will only be departed from in limited circumstances.

6.0 Changes in Committee Membership

Mr. William Trudell resigned from the Committee in October, 2003. Mr. Trudell was appointed to the Committee in January, 1999 as a representative of The Law Society of Upper Canada. During the almost five years on the Committee, Mr. Trudell was deeply committed to the integrity of the judicial appointment process and his contribution to the administration of justice in the Province of Ontario was invaluable.

Mr. Todd Ducharme has been appointed by The Law Society of Upper Canada to replace Mr. Trudell for the balance of his term.

Mr. Roland St. Onge and Ms. Tonie Chaltas resigned in November and December respectively. Both Ms. Chaltas and Mr. St. Onge contributed generously their time and efforts despite their very heavy business commitments. They will be greatly missed.

7.0 Support Staff

Priscilla Chu has been the Committee Secretary since December 6, 1999. Her work and dedication has proved invaluable in maintaining a high level of proficiency in all areas of the Committee's work. Ms. Chu anticipates the needs of the Committee and, like the Committee members, works arduously. Her contribution to the Committee cannot be over emphasized. Her knowledge of all aspects of the process and smooth co-ordination allow the Committee members to concentrate on the selection of appointments to the Judiciary.

The Committee also wishes to acknowledge the professionalism and commitment of Ms. Carol Chan. Her organizational skills, coupled with a congenial manner, have provided exemplary secretarial and clerical service to the Committee.

Finally, the Committee would like to extend its appreciation to the Honourable David Young, who was the Attorney General until February 24, 2003, the Honourable Norman Sterling, who was the Attorney General until October 22, 2003 and the Honourable Michael Bryant, who became the Attorney General on October 23, 2003. It also wishes to acknowledge the co-operation that it has received from Mr. Warren Dunlop, Manager of Judicial Support Services of the Ministry; Ms. Marilyn McDonald at The Law Society of Upper Canada; Ms. Cathy Blair at the Toronto Police Services; and Ms. Caron Wishart and Ms. Kathi MacDonald at the Lawyers' Professional Indemnity Company.

8.0 Communications, Education and Marketing

The Committee

- notified approximately 170 organizations, including law schools, that the Committee would be pleased to attend any meetings of any group to explain its mandate, criteria and procedures. This offer extends to both legal and non-legal organizations.

- prepared a pamphlet entitled "Where Do Judges Come From?" for distribution to encourage applications and explain its procedures and process and the method of appointment of judges to the Ontario Court of Justice. This pamphlet has been distributed widely and is available to the public at various government offices and court facilities. See Appendix I;

- has appeared and spoken at various legal meetings and to associations, including The Women's Law Association of Ontario and County and District Law Associations;

- has appeared and spoken at schools and universities;

- has taken action on published misconceptions such as editorials by forwarding letters to the Editor;

- presented a continuing legal education program on the appointment process and procedures at the Annual Institute of OBA.

Initiatives

Professor Alan Paterson, who is a member of the Judicial Appointments Board in Scotland, visited with Mr. Cliff Fraser and Mr. Glenn Carter on June 25, 2003. Professor Paterson first visited with the Judicial Appointments Advisory Committee in the Fall of 2001, prior to his appointment as a member of his Board. He shared with the members the experience of the Scotland model and discussed generally the differences between the processes in Ontario and in Scotland.

In October, Justice Annemarie Bonkalo and Mr. Glenn Carter met with Ms. Martha Cover, who is a member of the Bar Council of England and Wales. The Bar Council is interested in the Ontario model and, in particular, the composition of the members on the Judicial Appointments Advisory Committee.

PART VI
LOOKING TO THE FUTURE

1.0 Recommendations of Candidates

The Committee believes that trial experience is important. However, it also believes that all its criteria must be applied in assessing the merits of each applicant. Accordingly, the Committee from time to time has recommended and will continue to recommend suitable individuals who are not trial lawyers but who have achieved a professional excellence in other areas of law.

The Committee has continued the increased number of interviews for each vacancy. With the inclusion for consideration of all candidates who have been interviewed in the previous twelve months, a larger number of candidates from diverse backgrounds are being considered for recommendation to the Attorney General on a ranked list. Professional excellence remains of paramount importance to the Committee.

2.0 Outreach

The Committee has firmly accepted outreach as one of its roles, and will continue to invite candidates from the various under-represented sections of the legal community to seek appointment. It is looking for ways to communicate with all eligible candidates to encourage them to consider a public service through appointment to the Ontario Court of Justice.

Although there has been a steady increase in the number of students from traditionally under-represented communities entering the legal profession, the Committee recognizes that there are a number of barriers, both physical and societal, to be overcome before there will be a large enough pool to enable Ontario to reach its goal of a truly representative judiciary.

The Committee has found that applicants from the various under-represented groups do not re-apply if unsuccessful in their first application for a particular judicial vacancy. The Committee encourages all lawyers with the requisite qualifications to apply and continue to apply if they are desirous of seeking a judicial appointment.

The following table shows the percentage of applications from women on an annual basis:

Year	Total of New Applications Received	Female Applicants	Percent of Female Applicants
1989	338	42	12%
1990	318	137	43%
1991	116	44	37%
1992	186	58	31%
1993	113	39	34%
1994	137	51	37%
1995	85	22	26%
1996	235	52	22%
1997	108	30	28%
1998	148	38	26%
1999	142	36	25%
2000	126	36	29%
2001	100	33	33%
2002	29	10	34%
2003	**175**	**73**	**42%**
TOTAL	**2,356**	**701**	**30%**

The Committee believes that the profession, community groups and the public in general have a duty to encourage appropriate lawyers to submit applications.

3.0 A Representative Committee

It is important to have representation on the Committee that is as diverse as possible. Subsection 43(3) of the amended Act establishes criteria for Committee members as follows:

> In the appointment of members ..., the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

In 2003, the Committee membership consisted of nine men and three women. Although it may not be possible for the Committee to reflect all groups at all times, a good balance certainly enriches its deliberations. It is important that this continue.

Although the Attorney General makes the majority of appointments to the Committee, it is equally important that the remaining members appointed by The Law Society of Upper Canada, the Chief Justice, the Ontario Bar Association, the County and District Law Presidents' Association and the Ontario Judicial Council also continue to be reflective of the population of the Province of Ontario.

At the end of 2003, the Committee was two lay members short of its legislated complement. It is anticipated that the Attorney General will move swiftly to fulfill the Committee to its full membership.

CONCLUSION

The Committee has established criteria and procedures that have resulted in a fair and impartial process for the appointment of judges to the Ontario Court of Justice, one that it hopes has assisted in removing any perception of unwarranted political bias or patronage in appointments to the judiciary. It will continue to re-evaluate its criteria and procedures. The Committee has worked to ensure that the candidates recommended to the Attorney General possess all the required qualities set out in its criteria and are well regarded by their peers and community.

The Committee will continue its pursuit of excellence in recommending candidates for appointment as judges to the Ontario Court of Justice. It will continue to encourage applicants from under-represented groups such that the provincial judiciary shall reasonably reflect the diversity of the population it serves. The quality of the applicants it sees is impressive.

The majority of the Committee members are lay persons who work during the day and give extraordinarily of their time and abilities to the workings of the Committee. Despite a heavy workload, Committee members work tirelessly to maintain a high level of interest in the process and derive a great deal of personal satisfaction in being part of this rewarding work.

Set out below is the estimated time spent by a lay member on the selection and recommendation process for one judicial vacancy:

Stage 1: Review of applications received

- on average, 150 applications are received for each advertised vacancy
- 15 minutes to go over one application

15 min. x 150 = 2250 minutes = **37.5 hours**

Stage 2: Reference checks

- 4 named referees for each applicant
- assuming each member has to conduct reference checks on 5 applicants and each reference check takes 15 minutes

15 min. x 5 x 4 = 300 minutes (minimum - to add call back time) = **5 hours**

Stage 3: Preparation for selection meeting

- on average, 60 applicants are on the list to be selected for an interview
- time spent going over applications and notes on reference checks/discreet inquiries - 15 minutes per applicant

15 min. x 60 = 900 minutes = **15 hours**

Stage 4: Selection meeting

- on average, to select 16 applicants out of 60 to be interviewed
- 3 minutes for each applicant

3 min. x 60 = 180 minutes = **3 hours**

Stage 5: Preparation for interviews

- assuming 15 minutes are spent on reviewing each application and notes on reference checks/discreet inquiries on 16 candidates

15 min. x 16 = 240 minutes = **4 hours**

Stage 6: Interviews

- on average, 16 interviews over 2 days
- 45 minutes per interview

45 min. x 16 = 720 minutes = **12 hours**

Stage 7:
- Evaluation of previously interviewed candidates
- Discussion of candidates' merits
- Recommendation

1 hour – 2 hours

Estimated total hours spent by each lay member on one judicial vacancy = **78.5 hours**

Assuming there are 7 hours in a working day, 78.5 hours = **11.21 days**

The above numbers and figures are estimates only.

In addition, each Committee member has additional administrative work relating to the maintenance of all the confidential documents associated with the work of the Committee. Currently, there are some 556 active files. The typical file is 13 to 15 pages in length and is updated usually once a year and during the selection process for the judicial vacancy if that person has applied.

Therefore, I wish to personally commend each of the lay members as well as the judicial and lawyer members for his or her contribution to the justice system in Ontario

All of which is respectfully submitted,

F. Clifford Fraser
Chair

MEMBERS:

F. Clifford Fraser, Whitby: (Lay Member) (Chair)

Mr. Fraser retired in 1994 as Vice President, Operations after 43 years of service with State Farm Insurance Companies. In 1999, he retired as President and Chief Executive Officer of Property and Casualty Insurance Compensation Corporation. He was appointed in 1970 by the Insurance Bureau of Canada as Chairman of a special committee to develop Automobile Insurance Tort Reform, now known as No-Fault automobile Insurance. Variations of this study are now operating in several Canadian Provinces. Mr. Fraser is a Past Director on the Boards of: Property and Casualty Insurance Compensation Corporation, Insurance Bureau of Canada, Vehicle Information Centre of Canada, Insurance Crime Prevention Bureau, Ontario Chamber of Commerce, Scarborough General Hospital, Valley National Bank, Wayne, New Jersey, USA and the Past Chair of the Toronto Board of Trade - Insurance Committee and the Property and Casualty Insurance Compensation Corporation. Mr. Fraser is a recipient of The Queen's Golden Jubilee Medal awarded for his significant contribution to Canada.

J. Douglas Grenkie, Q.C., Morrisburg, *(Past Chair)*

Called to the Ontario Bar in 1970, Mr. Grenkie is a general practitioner in Morrisburg and a partner in the firm of Gorrell, Grenkie, Leroy & Remillard with offices in Morrisburg, Cardinal and Ingleside. He is also a partner in the firm of Cass, Grenkie in Chesterville. Mr. Grenkie is an active member of the Morrisburg & District Lions Club and the S.D.&G Cornwall Shrine Club (Karnak Temple Montreal). He is a former President of the East District of the Cancer Society, Ontario Division, the founding President of the Upper Canada Playhouse and Past President of the Canadian Bar Association - Ontario. Also, Mr. Grenkie is the Conference Director of the OBA Foreign Conference Committee, and is appointed by the OBA to the Committee.

Regional Senior Justice Timothy Culver, Hamilton

Justice Culver was called to the Bar in 1974. He was in private practice until 1994, when he was appointed a judge of the Ontario Court of Justice, Provincial Division, presiding in Kitchener. Prior to his appointment, Justice Culver was a Past President and Director of the Halton County Law Association, a member of the Canadian Bar Association, Ontario Branch, a former Director of Burlington Youth Residences, the Burlington Art Center, and Vice-President of the Burlington Chapter of the Heart and Stroke Foundation, and a number of other volunteer boards and agencies. Justice Culver was also awarded the Commemorative Medal for the 125th Anniversary of the Confederation of Canada, by the Honourable Ray Hnatyshyn, the Governor General of Canada, in 1992, in recognition of "significant contribution to compatriots community and to Canada". He has been active in judicial management since his appointment, having acted as Local Administrative Judge in both Kitchener and in Hamilton. He was the Area Director for Central West Region for the Ontario Conference of Judges, and a Chair of the Conditions of Service Committee, and a member of the Pension and Benefits Committee. He is a member of the Chief Justice's Executive Committee, a member of the Justices of the Peace Review Council and Chair of the Local Administrative Judges' Committee. He was appointed by the Chief Justice of the Ontario Court of Justice.

Madam Justice Annemarie E. Bonkalo, Toronto

Justice Bonkalo was called to the Bar in 1978 and joined the Ministry of the Attorney General as an assistant Crown Attorney for Brampton. She was appointed as a judge to the Provincial Court (Criminal Division) in 1990 and has presided in Brampton and Toronto. Justice Bonkalo was a member of the executive of the Ontario Judges Association as an elected delegate and as a member of the Constitutional Committee and Chair of the Mentor Committee and the Administrative Judge at the College Park court in Toronto. Justice Bonkalo is appointed to the Committee by the Chief Justice of the Ontario Court of Justice.

Madam Justice P.H. Marjoh Agro, Milton

Prior to her appointment as a judge of the Ontario Court of Justice in 1994, Justice Agro was in the private practice of law in Hamilton for 21 years. In that time she was also a part-time Provincial Crown Attorney and an agent for the Official Guardian of Ontario. She has been a trustee of the Hamilton Law Association, a member of the Canadian Bar Association, Vice-President of the Status of Women Committee of the City of Hamilton, a trustee of Chedoke McMaster Hospitals, a Director of the Chedoke McMaster Hospitals Foundation, a Director of the Horsemen's Benevolent and Protective Association of Ontario and a member of the Ontario Racing Commission and has received a citation from the Province of Ontario under the seal of Premier William Davis for her contribution to thoroughbred racing. Upon her appointment to the Bench, Justice Agro presided in the tri-counties of Brant, Haldimand & Norfolk. She is currently presiding in Halton, having a base court in Milton. Justice Agro has served as Local Administrative Judge in the tri-counties, and was the Secretary and later Vice-President of the Ontario Family Law Judges Association. Justice Agro has been the President of the Ontario Conference of Judges, a member of the Judicial Benefits Committee of the Conference, and the Ontario delegate to the Canadian Association of Provincial Court Judges. She is a member of the Family Rules Committee and the Ontario Judicial Council. The Judicial Council appointed Justice Agro to this Committee.

Harrison Arrell, Hamilton: (Lawyer)

Harrison Arrell has practised civil litigation in Hamilton since his call to the Bar in 1976. He has been actively involved with various legal associations throughout the Province including the Hamilton Law Association, the Advocates Society and the Hamilton Medical-Legal Society. He is Past Chair of the County and District Law Presidents' Association for Ontario and currently the Vice President of the Canadian Defence Lawyers Association. In 1997 Mr. Arrell was the recipient of the Bicentennial Award from The Law Society of Upper Canada. Mr. Arrell has also been actively involved in various

community associations including Extend-A-Family, Crime Stoppers and the Disabled and Aged Regional Transportation System of Hamilton. He is a past instructor at Mohawk College in Hamilton, and is appointed by the County and District Law Presidents' Association to this Committee.

Todd Ducharme, Toronto: (Lawyer)

Mr. Ducharme has a B.A. (Hon.) in Philosophy and Political Science from McGill University, an M.A. in Political Science from Yale University, an LL.B. from the University of Toronto, and an LL.M. from Yale Law School. He articled for the Ontario Court of Appeal and was called to the Bar in Ontario in 1988 and in British Columbia in 1997. He worked as an associate at Fedorsen, Shoniker (1989 to 1990) and then Greenspan, Rosenberg and Buhr (1990 to 1992). From 1992 to 1993, he was the Clinic Director at Aboriginal Legal Services of Toronto. Since 1993, Mr. Ducharme has been a sole practitioner. His practice is restricted to criminal and quasi-criminal litigation at both the trial and appellate levels and he has appeared at all levels of court, including the Supreme Court of Canada. He is certified by The Law Society of Upper Canada as a Specialist in Criminal Law. Mr. Ducharme was elected a Bencher of The Law Society of Upper Canada in 1999 and was re-elected as Regional Bencher for Toronto in 2003. He has served on numerous Law Society committees and task forces and currently is the Chair of the Professional Regulation Committee. He is also the Assistant Secretary of the Criminal Lawyers' Association, having previously served as a Director. Since 1993, Mr. Ducharme has been a member of the Board of Directors of Native Child and Family Services of Toronto. He is appointed by The Law Society of Upper Canada to the Committee.

Glenn H. Carter, Toronto: (Lay Member)

A businessman in farming, real estate, the importation of historic lithographs, and the hospitality sector, Mr. Carter is the Education Board Chairman of the St. George's Society, a Governor of the Toronto Scottish Regiment and Board member of the Canadian Legion's Fort York Branch. He is a supporter of the Conference of Defence Associations Institute and a member of the St. Andrew's Society of Toronto. During more than 20 years of management service in the Ontario Government Justice system, he held positions such as Executive Director of institutional, probation, parole and aftercare programmes for both adults and juveniles; and Assistant Deputy Attorney General for Courts Administration, including membership on various Law Society committees dealing with Legal Aid, Clinic Funding, and Law Foundation issues. He served as Vice-Chairman of the Provincial Schools Authority and as Chairman of the finance committees for the Public Trustee and Ontario Supreme Court. As a past director of the Canadian Congress of Criminology and Corrections, he contributed to the book Crime and Its Treatment in Canada. He is a past board member of the Premier's Advisory Council on Social and Family Services and also of the Central Chapter of TD Canada Trust's Friends of the Environment. A member of the President's Circle, and graduate of the University of Toronto, he received the 2003 Ontario Award for Volunteer Service.

Sid K. Ikeda, Toronto: (Lay Member)

Sid Kiyoshi Ikeda attended public school in Vancouver, in the Internment Camp as well as in Toronto. He continued his education at night school to obtain a First Class Chief Engineer Certificate. He had held various management jobs throughout his forty years with Eaton's and retired in 1996 as the National Environment and Energy Manager. He is the owner and President of Ikeda Consultant Company. Mr. Ikeda is very active in the community and sits on the board/committee of volunteer organizations. He is currently the Special Ambassador for the Japanese Canadian Cultural Centre and served as its president for nine years. He is the founder and chairman of the Japanese and

Canadian Community Network Organization, a founding member, former president and special ambassador for the Canadian Multicultural Council-Asians in Ontario, a former director and present member of the Rotary Club of Toronto-Forest Hill, a member on Chief Fantino's Advisory Council and recruitment member of the Metropolitan Police, a former chairman and present director for the Toronto Buddhist Church, a director for the Momiji Health Care Society, a director for the Canada-DPR Korea Association and a member of the Toronto Community Foundation's Council of 100.

Leslie Modolo, Mississauga: (Lay Member)

Mr. Modolo graduated from Sir George Williams University with a Major in Political Science. His business career has been spent almost entirely in the distribution of motion pictures of an educational, cultural and scientific nature, as well as management and skills training videos, and occupational health and safety training programs. Until his retirement, he was President and owner of his own company with nation-wide distribution coverage. During his career, he was President of The Educational Media Producers and Distributors Association of Canada, as well as a member of the Federal Task Force on the Non-Theatrical Film Industry in Canada. Presently, he is actively involved in volunteer work and the study of foreign languages.

John Thompson, Whitby: (Lay Member)

Mr. Thompson began his career in the telecommunications industry in 1970 with Bell Canada. In 1975, Mr. Thompson graduated with a business degree from York University. He began his own company, Edutel Canada, in 1994 where, in his capacity as Director of Business Development, Mr. Thompson has developed and delivered training courses for such companies as Bell Canada, Cantel, Bell Mobility,

among others. Mr. Thompson is a seasoned professional and an entrepreneur, who knows the telecommunications industry and the selling profession. In addition to Mr. Thompson's undergraduate degree, he has diplomas in training and course development, as well as in management. Mr. Thompson is committed to community service and is a member of the Rotary Club of Oshawa, a member on the Board for the Durham Family Court Clinic and other local community groups. He and his family are active members of their local church.

Tonie L. Chaltas, Toronto: (Lay Member) *(Resigned December 23, 2003)*

Tonie Chaltas is the Senior Vice President at Hill and Knowlton Canada where she manages the Toronto Public Affairs business unit which provides a wide range of clients with specialized expertise in public affairs, stakeholder and issues management and strategic communications. Tonie also leads a multi-disciplinary team of professionals on the Bruce Power Account, which provided communications support around a multi-billion dollar procurement of Canada's first public private partnership in nuclear generation and continues to lead this team on their continuing work with Bruce Power. Tonie received her Bachelor of Commerce degree from Dalhousie University in Halifax, Nova Scotia. She is a founding member of several groups such as Words on Work, Women in Politics and the Women Business Leaders Alliance. In 1998, Tonie was a delegate on the first Women's Business Team Canada Trade Mission.

Roland F. St. Onge, Sudbury: (Lay Member) *(Resigned November 7, 2003)*

Mr. St. Onge is a business owner-operator in the Sudbury and the Durham regions for nearly twenty years. Prior to running his own business, Mr. St. Onge had worked in the accounting, teaching accounting (Ottawa) and communications (Toronto) fields. Mr. St. Onge is very active in his community organizations and is a founding

member to Le Club Richelieu International, Mississauga Chapter; a member of the Institute of Public Administration of Canada; past president of the Ottawa-Carleton Regional Council of l'Association canadienne-francaise de l'Ontario and past member-director of l'Association provinciale canadienne-francaise de l'Ontario. Recently, he was the co-chairperson of the Sudbury Regional Council Committee to the Regional Chair for the Establishment of the French-language College Boreal of Arts & Technology in Sudbury. Mr. St. Onge's community achievements in the Northeast Region, as Regional Director for an Ontario ministry, include: the establishment of twenty or more Local Services Boards throughout the region; the participation with the Office of the Fire Marshal under the Unorganized Communities Fire Protection Program and the supervision of the TVOntario Northern Extension Program via microwave towers. Roland graduated from the University of Ottawa with a B.A., B.Ed. and M.Ed. in School Administration and has a Teacher's Certificate in Permanent Specialist Accounting from the Ontario Ministry of Education.

William M. Trudell, Toronto: (Lawyer) *(Resigned October 31, 2003)*

Mr. Trudell attended the University of Windsor, first graduating class and was called to the Bar in 1973. From 1973 - 1976, he practised law with Osler, Hoskin & Harcourt. From 1977 - present, he has been in private practice restricted to Criminal litigation and Solicitor representation at The Law Society of Upper Canada regarding matters of Discipline/Admission and Re-admission. From 1983 - 1986, Mr. Trudell was a Director of the John Howard Society; from 1983 - 1989, he was a Director of the Criminal Lawyers' Association and from 1989 - 1997, he served as Vice President of the Criminal Lawyers' Association. Mr. Trudell was also a Director of the Advocates' Society from 1990 - 1993, and is the present Chair of the Canadian Council of Criminal Defence Lawyers and was a founding Director of that organization in 1992. He was appointed by The Law Society of Upper Canada to the Committee.

OUTREACH

Committee members are available to speak to your organization about the Committee and the selection process. Requests for presentations should be forwarded to:

The Secretary
Judicial Appointments Advisory Committee
3rd Floor, 720 Bay Street
Toronto, Ontario M5G 2K1
Telephone: (416) 326-4060
Fax: (416) 212-7316

This leaflet is also available in the French language.

This leaflet, the current Judicial Candidate Information Form and policies and process are also available on the Ontario Courts website @ http://www.ontariocourts.on.ca.

COMMITTEE MEMBERS

Mr. Frederick Clifford Fraser (Chair)
Whitby, Ontario

The Honourable Justice T. Culver
Regional Senior Justice
Appointment of the Chief Justice
Hamilton, Ontario

The Honourable Justice Annemarie Bonkalo
Appointment of the Chief Justice
Toronto, Ontario

The Honourable Justice P.H. Marjoh Agro
Appointment of Ontario Judicial Council
Milton, Ontario

Mr. Harrison Arrell
Appointment of County & District Law Presidents' Association
Hamilton, Ontario

Mr. Douglas Grenkie, Q.C.
Appointment of Ontario Bar Association
Morrisburg, Ontario

Mr. William Trudell / Mr. Todd Ducharme
Appointment of The Law Society of Upper Canada
Toronto, Ontario

Mr. Glenn H. Carter
Toronto, Ontario

Ms. Tonie L. Chaltas
Toronto, Ontario

Mr. Sid Kiyoshi Ikeda
Toronto, Ontario

Mr. Leslie Modolo
Mississauga, Ontario

Mr. Roland F. St. Onge
Sudbury, Ontario

Mr. John W. Thompson
Whitby, Ontario

Ontario

WHERE DO JUDGES COME FROM?

THE PROCESS OF APPOINTMENT OF ONTARIO PROVINCIAL JUDGES

"Judges ought to be more learned than witty; more reverend than plausible, and more advised than confident. Above all things, integrity is their portion and proper virtue."

Lord Chancellor Bacon
Essays: Of Judicature (1597)

The Judicial Appointments Advisory Committee of Ontario

A Brief History

In 1988, Attorney General Ian Scott announced a three-year pilot project to try a different model of appointment for Provincial Court Judges. The Judicial Appointments Advisory Committee (JAAC) began its work under the chairmanship of Professor Peter Russell with a mandate: "First, to develop and recommend comprehensive, sound and useful criteria for selection of appointments to the judiciary, ensuring that the best candidates are considered; and, second, to interview applicants selected by it or referred to it by the Attorney General and make recommendations."

Between 1990 and 1995, the size of the pilot committee grew from 9 to 13 persons and the committee worked at developing criteria and procedures which were reviewed, refined and eventually publicized. In 1992, under the chairmanship initially of Professor Emily Carasco and then Associate Chief Judge Robert Walmsley, the Committee issued a Final Report and prepared recommendations for draft legislation to ensure that judges in future will be appointed by a process independent of political considerations.

JAAC was formally established on February 28, 1995 by proclamation of the Courts of Justice Act amendment passed in 1994.

The Committee began a programme of public information to tell interested people how the appointment system works.

The Judicial Appointments Advisory Committee is required to provide the Legislature with an Annual Report.

WHO SHOULD APPLY?

To qualify for consideration, applicants must have at least 10 years membership at the Bar in one of the provinces or territories of Canada. Applicants must have a sound knowledge of the law, an understanding of the social issues of the day and an appreciation for the cultural diversity of Ontario.

While courtroom experience is a distinct asset, the Committee also considers suitable candidates whose experience includes work with administrative tribunals, academia and in the social policy field.

Applications are encouraged from women, aboriginal peoples, francophones, persons with disabilities, and visible and ethnocultural minorities.

Applicants with Errors and Omissions claims or complaints on file with the Law Society of Upper Canada or any other Society will generally not be considered until such claims have been cleared. The candidate is responsible for ensuring the removal of such claims or complaints; however, if the Committee receives sufficient information as to the claim or complaint being frivolous or lacking in foundation, then such a claim or complaint will not be a bar to the candidate being considered.

Applicants who are involved in civil claims or proceedings would be considered if the Committee is of the opinion that the nature of such a claim does not prevent the candidate from being considered.

The Committee must be informed of any outstanding civil judgments, arrears in family support payments and any past or present proposals to creditors or assignments in bankruptcy.

The Committee will not consider a candidate who has a criminal record.

PROCESS

Vacancies on the Bench are advertised in the **Ontario Reports** as the need arises. Candidates must submit 14 copies of a prescribed application form. These applications are reviewed by the Committee and a short list is prepared. The Judicial Appointments Advisory Committee meets to select candidates for interviews from the short list.

After reference checks, confidential inquiries and interviews, the Committee sends a ranked list of its recommendations to the Attorney General who is required to make the appointment from that list.

COMPOSITION OF THE COMMITTEE

The Legislation requires the composition of the Committee to reflect the diversity of Ontario's population, including gender, geography, racial and cultural minorities. In addition to seven (7) lay members who are appointed by the Attorney General, six (6) from the legal community are appointed by the Chief Justice of the Ontario Court of Justice, the Law Society of Upper Canada, Canadian Bar Association - Ontario and the County and District Law Presidents' Association respectively. All members serve for a term of three (3) years.

CONFIDENTIALITY

The selection process including the application form is treated with total confidentiality.

INDEPENDENCE

The Committee is independent of the Ministry of the Attorney General and the Government.

APPENDIX II

JUDICIAL APPOINTMENTS RECOMMENDED BY THE JUDICIAL APPOINTMENTS ADVISORY COMMITTEE JANUARY 2003 - DECEMBER 2003

Name	Location	Effective Date
Alder, Ann	Ottawa	3 December 2003
Armstrong, Simon C.	Newmarket	3 December 2003
Bignell, Ellen Kristine	Sault Ste. Marie	3 December 2003
Boivin, Ronald D.J.	Cochrane North ~	25 June 2003
Brown, Beverly Anne	Toronto	3 December 2003
Campling, Frederic Miller	Toronto	3 December 2003
Dawson, Nancy Anne	Barrie	3 December 2003
Gage, George Stephen	Toronto	3 December 2003
Keaney, James J.	Oshawa	2 July 2003
Maisonneuve, Lise	Ottawa	3 December 2003
McSorley, Margaret A.	Kitchener/Guelph	24 December 2003
Robertson, Paul	Toronto	3 December 2003
Rogerson, Robert Wallace	Kitchener/Guelph	24 December 2003
Scully, Brian Muir	Toronto	3 December 2003

~ Denotes designated bilingual position

APPENDIX III

JUDICIAL APPOINTMENTS RECOMMENDED BY THE JUDICIAL APPOINTMENTS ADVISORY COMMITTEE JANUARY 1989 - DECEMBER 2003

Name	Location	Effective Date
Agro, P.H. Marjoh	Brantford	16 September 1994
Alder, Ann	Ottawa	3 December 2003
Allen, J. Elliott	Brampton	15 November 1991
Anderson, Charles D.	Brockville	15 August 1990
Andre, Irving W.	Brampton	13 November 2002
Armstrong, Simon C.	Newmarket	3 December 2003
Atwood, Hugh K.	Brampton	4 January 1993
Austin, Deborah J.	Sarnia	1 December 1992
Baig, Dianne P.	Fort Frances	2 April 1990
Baldock, Juliet	Kitchener	20 October 1997
Baldwin, Lesley Margaret	St. Catharines	6 May 1997
Bassel, William P.	Toronto	15 May 1995
Beaman, Judith	Toronto	12 January 1998
Beatty, William George	Bracebridge	23 November 1998
Bellefontaine, Paul	Oshawa	5 January 1998
Bentley, Paul	Toronto	1 June 1992
Bigelow, Robert G.	Toronto	9 August 1993
Bignell, Ellen Kristine	Sault Ste. Marie	3 December 2003
Bishop, Peter T.	Dryden	6 September 1994
Blacklock, W. James	Brampton	25 January 1993
Blishen, Jennifer A. ❖	Ottawa	15 January 1993

Name	Location	Effective Date
Boivin, Ronald D.J.	Cochrane North ~	25 June 2003
Bondy, Sharman S.	Sarnia	19 October 1998
Bonkalo, Annemarie E.	Brampton	2 April 1990
Bovard, Joseph W.	Toronto	31 December 1989
Brophy, George J.	Sarnia	12 May 1997
Brown, Beverly Anne	Toronto	3 December 2003
Brownstone, Harvey P.	Toronto	13 March 1995
Budzinski, Lloyd M.	Brampton	1 April 1992
Campbell, Hugh J.	Oshawa	7 November 1994
Campling, Frederic Miller	Toronto	3 December 2003
Carr, David George	Kitchener	28 April 1999
Carr, Ralph E.W.	Sudbury	1 July 1991
Casey, Jeff	Toronto	21 December 1992
Caspers, Jane E. De Meyers	Guelph	7 February 2001
Cavion, Bruno	Brampton	15 November 1991
Chester, Lorne Edward	Lindsay	12 July 1999
Clark, Steven R.	Brampton	13 February 2002
Cleary, Thomas P.	Barrie	6 June 1994
Cohen, Marion L.	Toronto	9 August 1993
Cole, David P.	Scarborough	1 March 1991
Cowan, Ian	Toronto	20 January 1997
Crawford, James C.	Oshawa	1 June 1990
Culver, Timothy A.	Kitchener	16 May 1994
Dawson, Nancy Anne	Barrie	3 December 2003
De Filippis, Joseph Anthony	Brampton	3 January 2000
Devlin, Mary Teresa E.	Oshawa	13 November 2002
Di Zio, Antonio	Toronto	3 May 1999

Name	Location	Effective Date
DiGiuseppe, Dino	Thunder Bay	15 November 2000
Dobney, Susan Gail	Toronto	28 April 1999
Dorval, Célynne S.	Ottawa ~	15 March 1999
Douglas, Jon-Jo Adam	Barrie	13 October 1998
Douglas, Norman S.	Brampton	16 May 1994
Dunbar, Mary F. ❖	Brampton	1 February 1991
Duncan, Bruce	Brampton	1 May 1997
Edward, Gethin	Brantford	1 December 1996
Evans, Kerry Patrick	Barrie	2 October 1997
Fairgrieve, David A.	Brampton	21 December 1990
Feldman, Lawrence	Toronto	5 January 1998
Fernandes, Ivan J. A.	Toronto	21 February 2000
Finnestad, Faith M.	Toronto	1 May 1995
Flaherty, Roderick J.	Dryden	2 April 1990
Forsyth, Frederick L.	Milton	3 May 1999
Foster, Stephen E.	Newmarket	7 November 1994
Fraser, Hugh L.	Toronto	3 May 1993
Frazer, Bruce	Kitchener	13 January 1997
Gage, George Stephen	Toronto	3 December 2003
Gauthier, Louise L. γ	Northeast Region	15 August 1992
Getliffe, John Lawrence	Stratford	6 December 2000
Glaude, G. Normand N.	Elliot Lake ~	17 April 1990
Glenn, Lucy C.	Chatham	16 December 1996
Gorewich, William A.	Barrie	14 October 1997
Griffiths, Peter	Brockville	11 May 1998
Grossman, Jack Morris	Toronto	28 April 1999
Hackett, Donna G.	Scarborough	21 December 1990

Name	Location	Effective Date
Hansen, Inger	Kitchener	1 February 1991
Hardman, Paddy A.	Kitchener	1 March 1991
Harris, C. Roland	Barrie	8 August 1994
Harris, Peter A.J.	Brampton	13 February 1995
Hatton, Mary Jane ❖	Toronto	2 April 1990
Hawke, Kathryn L.	Brampton	6 February 1995
Hearn, Gary F.	Kitchener	26 October 1998
Horkins, William	Toronto	5 January 1998
Hornblower, Geoffrey Mark	Sarnia	6 October 1999
Hryn, Peter	Toronto	1 June 1991
Humphrey, Richard	Sudbury	12 July 1999
Hunter, Stephen J.	Ottawa	1 June 1991
Isaacs, Peter R.W.	Stratford	13 February 1995
Jennis, Richard	St. Catharines	20 May 1997
Johnston, Karen E.	Oshawa	1 July 1991
Jones, Penny J.	Toronto	15 July 1991
Kastner, Nancy Susan	Brampton	15 February 1999
Katarynych, Heather L.	Central South Region	1 July 1993
Keaney, James J.	Oshawa	2 July 2003
Keast, John D.	Sault Ste. Marie	11 July 2001
Kenkel, Joseph F.	Newmarket	19 June 2000
Kerrigan-Brownridge, Jane	Brampton	15 January 1993
Khawly, Ramez	Sarnia	1 December 1991
Khoorshed, Minoo F.	Toronto	1 June 1992
Knazan, Brent	Toronto	15 August 1990
Krelove, Glenn D.	Barrie	26 October 1998
Kukurin, John	Sault Ste. Marie	29 May 1995

Name	Location	Effective Date
Lacavera, Alphonse T.	Welland	2 March 1998
Lafrance-Cardinal, Johanne ❖	Cornwall ~	6 September 1994
Lalande, Randall William	Sudbury ~	3 January 2000
Lambert, Martin	Sault Ste. Marie	15 February 1999
Lane, Marion E.	Brampton	1 February 1991
LeDressay, Richard	Guelph	1 December 1996
Lenz, Kenneth G.	Simcoe/Norfolk	4 July 1989
Lester, Ronald B.	Thunder Bay	1 March 1991
Libman, Rick	Barrie	15 November 1996
Linden, Sidney B.	Toronto	25 April 1990
Lindsay, Eric S.	Toronto	1 September 1990
Linhares de Sousa, Maria T. ❖	Ottawa	4 July 1989
Lipson, Timothy R.	Toronto	20 March 2002
Livingstone, Deborah K.	London	31 December 1989
Lynch, John T.	Kitchener	18 April 2001
MacPhee, Bruce E.	Brampton	2 April 1990
Main, Robert P.	Barrie	2 April 1990
Maisonneuve, Lise	Ottawa	3 December 2003
March, Stephen	Pembroke	19 April 2000
Marin, Sally E.	Toronto	9 August 1993
Marshman, Mary E. ❖	Windsor	15 July 1991
Masse, Rommel G.	Ottawa ~	4 July 1989
Maund, Douglas B.	Orangeville	4 October 2000
McFadyen, Anne-Elisabeth E.	Sarnia	26 October 1998
McGowan, Kathleen E.	St. Catharines	1 June 1990
McGrath, Edward	St. Thomas	4 January 1999
McKerlie, Kathryn L.	Stratford	3 May 1999

Name	Location	Effective Date
McLeod, Katherine Louise	Brampton	15 February 1999
McSorley, Margaret A.	Kitchener/Guelph	24 December 2003
Merenda, Sal	Toronto	21 February 1996
Minard, Ronald A.	Newmarket	5 April 1993
Mocha, Cathy	Toronto	14 April 1997
Moore, John	Toronto	12 January 1998
Morgan, J. Rhys	Toronto	15 August 1990
Morneau, Julia Ann	Owen Sound	30 May 1997
Morten, Marvin G.	Toronto	5 July 1993
Newton, Petra E.	Toronto	31 December 1989
Nicholas, Dianne M.	Ottawa	1 June 1991
O'Dea, Michael P.	St. Thomas	15 March 2000
O'Hara, Terrence G.	Newmarket	6 February 1995
Omatsu, Maryka J.	Toronto	1 February 1993
Ormston, Edward E.	Toronto	31 December 1989
Otter, Russell J.	Toronto	5 July 1993
Payne, John Andrew	Oshawa	4 January 1999
Phillips, Douglas W.	Windsor	1 March 1991
Pockele, Gregory A.	Stratford	2 November 1992
Pringle, Leslie Catherine	Toronto	20 March 2002
Pugsley, Bruce Edmund	Brampton	13 February 2002
Radley-Walters, Sydney Grant	Pembroke	20 February 2002
Ratushny, Lynn D. γ	Ottawa	1 March 1991
Rawlins, Micheline A.	Windsor	15 October 1992
Ray, Sheila	Toronto	15 April 1992
Ready, Elinore A.	Brampton	21 December 1990
Regis, Gregory	Oshawa	4 January 1999

Name	Location	Effective Date
Reinhardt, Paul H.	Toronto	2 April 1990
Renaud, J.R. Giles	Cornwall ~	23 January 1995
Renaud, Yvon	Sudbury	15 November 2000
Richards, Ronald J.	Toronto	21 December 1992
Ritchie, John Malcolm	Toronto	28 April 1999
Roberts, Marietta L.D.	Brampton	1 March 1991
Robertson, Paul	Toronto	3 December 2003
Robson, M. Wendy	Peterborough	4 July 1989
Rodgers, Gregory Paul	North Bay	15 November 2000
Rogers, Sherrill M. ❖	Newmarket	15 July 1991
Rogerson, Robert Wallace	Kitchener/Guelph	24 December 2003
Rosemay, Vibert T.	Brampton	1 December 1991
Salem, Harvey M.	Scarborough	1 March 1991
Schnall, Eleanor M.	London	1 March 1991
Schneider, Richard D.	Toronto	20 December 2000
Scott, Margaret A.C. ❖	Oshawa	17 January 1994
Scully, Brian Muir	Toronto	3 December 2003
Serré, Louise	Blind River/Elliot Lake ~	15 November 2000
Shamai, Rebecca S.	Brampton	2 April 1990
Shaw, Anne-Marie	Newmarket	16 September 2002
Sheppard, Patrick A.	Newmarket	1 June 1991
Shilton, Bruce	Newmarket	6 July 1998
Simmons, Janet M. γι	Brampton	21 December 1990
Sparrow, Geraldine	Toronto	15 January 1993
Spence, Robert Julien	Toronto	20 March 2002
Stead, W. Brian	Simcoe	1 July 1991
Stone, David M.	Oshawa	1 June 1990

Name	Location	Effective Date
Taillon, Raymond P.	Oshawa	1 July 1991
Taylor, Paul Michael	Toronto	20 March 2002
Tetley, Peter	Newmarket	16 September 2002
Thibideau, Lawrence P.	Brantford	3 May 2000
Thomas, Bruce G.	Chatham	4 May 1999
Timms, David Roger ❖	Oshawa	1 March 1991
Vaillancourt, Charles H.	Downsview	21 December 1990
Vyse, Diane Terry	Cambridge	1 March 1991
Wake, John David	Brampton	8 August 1994
Waldman, Geraldine	Brampton	15 November 1991
Waugh, John D. G.	Pembroke	30 May 2001
Weagant, Brian	Toronto	8 May 1995
Weinper, Fern	Newmarket	6 July 1998
Westman, Colin R.	Kitchener	1 June 1990
Whetung, Timothy C.	Peterborough	1 December 1991
Wilkie, Peter Heward	Brampton	15 February 1999
Wilson, Joseph Bruce	Parry Sound	26 May 1997
Wilson, Natalie Jane	Pembroke	2 November 1998
Wolder, Theo	Brampton	1 June 1990
Wolski, William	Barrie	20 January 1997
Wong, Mavin	Newmarket	19 June 2000
Woolcott, Margaret F.	Brampton	4 January 1993
Wright, Peter J.	East Region	5 July 1993
Wright, Peter Jeffrey	Newmarket	16 September 2002
Zabel, Bernd E.	Hamilton	2 April 1990
Zivolak, Martha B.	St. Catharines	1 July 2002

~ Denotes designated bilingual position
❖ Subsequently appointed to the Family Court of the Superior Court of Justice
γ Subsequently appointed to the Superior Court of Justice
ι_ Subsequently appointed to the Ontario Court of Appeal
Deceased